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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SIDDHARTH HARIHARAN, individually
13 and on behalf of all others similarly
situated,

14 Plaintiff,

15 v.

16 ADOBE SYSTEMS INC., APPLE INC.,
17 GOOGLE INC., INTEL CORP., INTUIT
18 INC., LUCASFILM LTD., PIXAR, AND
DOES 1-200,

19 Defendants.

CV Case No. 11 2509

DECLARATION OF TADHG BOURKE
IN SUPPORT OF NOTICE OF REMOVAL
OF ACTION FROM STATE COURT
PURSUANT TO 28 U.S.C. §§ 1331, 1332 &
1441

21 I, TADHG BOURKE, hereby declare:

22 1. I am employed as Manager, People Technology and Operations at Google Inc.
23 ("Google"). I have held this position at Google since October 2007. I provide this declaration in
24 support of Defendants' Joint Notice of Removal of Action from State Court Pursuant to 28 U.S.C.
25 §§ 1331, 1332, & 1441. Unless otherwise indicated below, the statements in this declaration are
26 based upon my personal knowledge or corporate records maintained by Google in the ordinary
27 course of business.

28

tad hg b ourke DECL. ISO NOTICE OF
REMOVAL of action

2. I understand that Plaintiff purports to represent a class of individuals described in Paragraph 29 of the Complaint in this action as follows:

All natural persons employed by Defendants in the United States on a salaried basis during the period from January 1, 2005 through January 1, 2010. Excluded from the class are retail employees; corporate officers, members of the boards of directors, and senior executives of Defendants who entered into the illicit agreements alleged herein; and any and all judges and justices, and chambers' staff, assigned to hear or adjudicate any aspect of this litigation.

8 3. As of May 13, 2011, Google had approximately 15,854 salaried, non-retail
9 employees who reside in the United States. As of that same date, Google had approximately
10 10,882 salaried, non-retail employees who reside in California. Due to the shortness of time, I
11 have not yet been able to make this determination for the entire purported class period. While
12 Google's salaried domestic work force was more concentrated in California at the beginning of
13 the purported class period, Google has significantly increased its salaried domestic work force
14 over the past several years and that growth has occurred at a higher rate for salaried domestic
15 employees outside of California than within California. As a consequence, the number of
16 salaried, non-retail may not be materially different than the percentage that the above numbers
represent.

17 4. I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct. Executed this 23rd day of May, 2011 at Mountain View,
19 California.

Tadhg Bourke